

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DWAYNE A. MCCARTY	:	Civil Action No. 4:13-CV-00700
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
KIRBY FRYMOYER,	:	
	:	(Magistrate Judge Blewitt)
Defendant.	:	

**ORDER**

June 25, 2013

**BACKGROUND:**

The undersigned has given full and independent consideration to the March 25, 2013 report and recommendation of Magistrate Judge Thomas M. Blewitt. ECF No. 6.

Magistrate Judge Blewitt's report recommended that plaintiff's complaint be dismissed without prejudice to allow plaintiff the opportunity to file it in the Court of Common Pleas of Snyder County. Because this Court agrees with Magistrate Judge Blewitt's analysis, the Court will not rehash the sound reasoning of the magistrate judge and will adopt the report and recommendation in its entirety.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. United States Magistrate Judge Thomas M. Blewitt's March 25, 2013 Report and Recommendation is ADOPTED in full. ECF No. 6.
2. The action is DISMISSED without prejudice.

BY THE COURT:

s/ Matthew W. Brann  
Matthew W. Brann  
United States District Judge